

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2796.22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, PROVIDING FOR THE UNIFORM METHOD OF LEVYING, COLLECTING AND ENFORCING NON-AD VALOREM ASSESSMENTS FOR HIGH SPEED INTERNET SERVICES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 197.3632, F.S. THROUGHOUT THE INCORPORATED AREA OF THE TOWN FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2022; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING AND TRANSMITTAL OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant the Charter of the Town of Golden Beach, Florida (the “Town”), and Chapter 166, Florida Statute, the Town has the authority to enter into a Service Agreement, including addendums thereto with Hotwire Communications, Ltd, a Pennsylvania Limited Partnership (the “Internet Provider”) to provide for high-speed fiber optic internet services (“Internet Services”) to the Town and to all of the properties located within the boundaries of the Town and to defray the cost of providing such Internet Service in whole or in part by the imposition of non-ad valorem special assessments on the properties benefitted by such Internet Services; and

WHEREAS, the Town Council of the Town hereby determines that the provision of Internet Services are necessary for the health, safety and welfare of the residents of the Town; and

WHEREAS, Section 197.3632, Florida Statutes establishes a uniform method for the levy, collection and enforcement of non-ad valorem assessments (the “Uniform Method”); and

WHEREAS, Section 197.3632, Florida Statutes, authorizes the Town to elect to utilize the Uniform Method; and

WHEREAS, the Town Council desires to use the Uniform Method for the purpose of collecting special assessments to be levied on those properties benefitted by provision of such Internet Services; and

WHEREAS, the Town Council has advertised and conducted a public hearing, as shown on the advertisement and proof of publication attached hereto and incorporated herein as Exhibits "A" and "B," respectively, prior to the adoption of this Resolution; and

WHEREAS, pursuant to Section 197.3632, Florida Statutes, the legal description of the boundaries of the properties which may be subject to the levy of non-ad valorem assessments is attached hereto and incorporated herein as Exhibit "C;" and

WHEREAS, the Town Council finds that the adoption of this Resolution is in the best interest and welfare of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated herein by reference.

Section 2. Intent. Commencing with the fiscal year beginning October 1, 2022, the Town intends to use the Uniform Method of collecting non-ad valorem assessments as authorized by Section 197.3632, Florida Statutes, as amended from time to time to fund the costs of the Internet Services. Such non-ad valorem assessments will be levied within the incorporated area of the Town (the "Service Area"). A legal description of the Service Area subject to the non-ad valorem assessment is attached hereto and

incorporated herein as Exhibit "C." The non-ad valorem assessments and the Town's use of the Uniform Method of collecting such non-ad valorem assessments may continue for more than one year.

Section 3. Need for Levy. The Town Council hereby determines that the levy of the non-ad valorem assessments is needed to defray the cost of providing Internet Services within the Service Area of the Town.

Section 4. Authorization. The Town Council hereby authorizes the Town Manager to implement the intent and purpose of this Resolution by, including but not limited to, notifying the Miami-Dade County Property Appraiser's office, the Tax Collector and the Department of Revenue for the State of Florida of the Town's intent to collect such non-ad valorem assessments by using the uniform method of collection and entering into a written agreement with the Property Appraiser and Tax Collector for this purpose, subject to the approval of the Town Attorney as to form, content, and legal sufficiency.

Section 5. Direction to Town Clerk. The Town Clerk is hereby directed to send certified copies of this Resolution to the Miami-Dade County Property Appraiser, Miami-Dade County Tax Collector, and the Florida Department of Revenue.

Section 6. Effective Date. This Resolution shall become effective immediately upon adoption.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

The Motion to adopt the foregoing resolution was offered by Councilmember

Mendal, seconded by Vice Mayor Luskin, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Luskin	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,

Florida, this 18th day of January, 2022.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY

EXHIBIT A

**NOTICE BY THE TOWN OF GOLDEN BEACH
OF INTENT TO USE THE UNIFORM AD VALOREM
METHOD OF COLLECTION OF A
NON-AD VALOREM ASSESSMENT**

[insert copy of newspaper advertisement – entire page]

EXHIBIT B

**PROOF OF PUBLICATION OF
NOTICE BY THE TOWN OF GOLDEN BEACH
OF INTENT TO USE THE UNIFORM AD VALOREM
METHOD OF COLLECTION OF A
NON-AD VALOREM ASSESSMENT**

[insert copy of proof of publication]

EXHIBIT C

LEGAL DESCRIPTION OF SERVICE AREAS SUBJECT TO ASSESSMENT

Beginning at a point on the east right-of-way line of the Intracoastal Waterway as shown on the plat of "Florida East Coast Canal" as recorded in Plat Book 37, at page 2, of the public records of Dade County, Florida; said point being located on the north line of Section 35, Township 51 South, Range 42 East, and 3,752.5 feet east of the northwest corner of said Section 35;

Thence, easterly along the north line of said Section 35 a distance of 1,400 feet, more or less, to the mean high water line of the Atlantic Ocean;

Thence, southerly along the mean high water line of the Atlantic Ocean 6,570 feet, more or less, to the north line of a tract deeded by Benjamin Kline to Alfred E. Hills recorded in Deed Book 367, at page 382, of the public records of Dade County, Florida;

Thence, westerly along the north line of said Hills tract 1,850 feet, more or less, to a point on the east right-of-way line of the Intracoastal Waterway; said point also being the southwest corner of the plat of "Section 'D' of Golden Beach," as recorded in Plat Book 10, at page 10, of the public records of Dade County, Florida;

Thence, northerly and easterly along the west and north lines of Block 'H' of said plat 530 feet, more or less, to the intersection with the southerly projection of the west line of Block 'J' of said plat;

Thence, northerly along said southerly projection and along the west line of said Block 'J' 1,080 feet, more or less, to the intersection with the south line of said Section 35; said point of intersection being located 3,245.09 feet east of the southwest corner of said Section 35;

Thence, northerly along the east right-of-way line of the Intracoastal Waterway 5,300 feet, more or less, to the point of beginning.

Together with all riparian rights in any wise incident or otherwise appertaining to said land.



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: January 18, 2022

To: Honorable Mayor Glenn Singer &
Town Council Members

From: Alexander Diaz,
Town Manager

Item Number:

6

Subject: Resolution No. 2796.22- Authorizing Commencement of a Formal Process to Adopt a Special Assessment for High Speed Internet Services

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2796.22 as presented. The attached Resolution is (a) authorizing commencement of the formal statutory process for adopting a special assessment for high speed internet services in accordance and in the manner required by state law, and (b) authorizing the Town Manager and staff to take steps necessary to levy this special assessment.

Background:

On April 20, 2021 via Resolution 2742.21 Council authorized the Town Attorney to submit a request to the Attorney General for Opinion Regarding Authorization to impose a special assessment to Telecommunication Services.

On June 15, 2021 via Resolution 2750.21 Council approved contract negotiations with Hotwire Communications. After successful negotiation and delivery of that contract, the Town broke ground on the project on October 28, 2021- making us the first municipality in the nation to provide our Town with a fully managed, 100% fiber optic/GPON network backbone, and deliver a Fiber-to-the-Home Over IP (VOIP), Phone, Internet protocol Television (IPTV), CCTV, Network security and monitoring, and more.

On November 16, 2021 via Resolution 2791.21 Council authorized the Town Manager to publish the Notice of Intent to Use the Uniform Method of Levying, Collecting and Enforcing Non-Ad Valorem Assessments for high speed internet services.

It has always been the stated objective of the Administration to be able to pass on the direct cost associated with providing this service to our residents. This

Page 2 of 2

Reso. 2796.22

RE: Uniform Method of Levying, Collecting & Enforcing Special Assessment for High Speed Internet Services

resolution establishes the Town's intent to use the Uniform Method to be able to levy and collect the non-ad valorem assessment with the fiscal year beginning on October 1, 2022. The Town has engaged SCS Engineers to conduct a rate study which will determine the method and appropriate fee that will be levied. It is estimated that the fee will range between \$50 and \$60 per month per individually developed lot.

Fiscal Impact:

To be provided as part of the rate study being performed by SCS Engineers.